REMARKS

No claims are being added, cancelled or amended. Claims 18-39 are pending in the application.

This amendment is being filed under 37 C.F.R. 1.116 governing amendment after final rejection. This amendment is appropriate for entry under Rule 1.116 since it does not raise new issues and places the application in allowable condition and/or places the application in better form for consideration of appeal.

Applicants' representative thanks Examiner Cheung for his time and courtesy in the telephone conference of March 20, 2008.

The rejection of claims 19 under 35 U.S.C. §102(e).

Claim 19 was rejected under 35 U.S.C. §102(e) as having each and every feature and interrelationship anticipated by U.S. Patent No. 6,140,394 to Kamiyama et al. Anticipation requires that each element and interrelationship recited in a claim be disclosed explicitly or inherently in a single piece of prior art.

- **The Kamiyama document does NOT teach the features recited in claim 19.**

Claim 19 recites: "The filler containing polymer dispersion as claimed in claim 18, wherein the synthetic organic polymer particles have a diameter (d50) of 0.03 to 0.5 µm." Thus, claim 19 focuses on the polymer particle diameter. Claim 19 directly depends from claim 18 and also includes each element and interrelationship of claim 18.

The Kamiyama document includes a background section and a disclosure section.

- The Kamiyama disclosure section does NOT teach the features recited in claim 19.

The Kamiyama method is limited to suspension polymerization. See column 1, lines 13-16 and column 2, lines 36-38.

The Kamiyama suspension polymerization method can produce polymer particles having a size of 5-50 μm (column 1, line 15) and "as small as 2 to 3 μm" (column 6, lines 11-15). The figures of Kamiyama teach a median polymer particle diameter of 5 μm or more. The Kamiyama document does NOT teach that the suspension polymerization method therein can produce synthetic organic polymer particles having a diameter (d50) of 0.03 to 0.5 μm.

In the February 13, 2008 Advisory Action the Examiner stated: ". . . applicants must recognize that Kamiyama et al (col.12-13, claim 1) clearly claim an invention having an inventive scope that fully encompasses organic polymer particles of all sizes, as long as the size is within the claimed 'desired size'."

Claim 1 of the Kamiyama document recites:

> 1. A method of suspension polymerization of a monomeric composition to produce uniformly sized particles having a narrow distribution, which method comprises the steps of: . . . (f) completing a polymerization reaction to produce uniformly sized particles having a narrow distribution.

Claim 1 does not recite any polymer particle range. However, as discussed above the Kamiyama method and claims are limited to suspension polymerization. The Kamiyama suspension polymerization method can only provide polymer particles having a size of 5-50 μm (column 1, line 15) and "as small as 2 to 3 μm" (column 6, lines 11-15). The Kamiyama document does NOT teach or suggest that the suspension polymerization method therein can produce synthetic organic polymer particles having a diameter (d50) of 0.03 to 0.5 μm. The Kamiyama document can not be enabled prior art for synthetic organic polymer particles having a diameter (d50) of 0.03 to 0.5 μm. Any interpretation of claim 1 must be tempered by the limited enabling disclosure of the Kamiyama specification.

- The Kamiyama background section does NOT teach the features recited in claim 19.

In the February 13, 2008 Advisory Action the Examiner went on to state: "Further, applicants must recognize that Kamiyama et al. (col. 1, line 32-42) clearly discloses organic polymer particles having a particle size of 1 micron maximum which implies particle size distribution having a (d50) of less than 0.5 micron."

The Kamiyama document at column 1, lines 17 - 45 states, with underlining added:

> 2. Background of Related Art
>
> The importance of powder making technology which takes advantage of the various functions of particles per se is increasingly recognized these days. Among the particles produced by this technology are gap retainers, slip imparting agents, functional carriers, monodispersed particles having surface activity, standard particles, toners, and functional fillers that control the fluidity and gloss characteristics of paints. In order to produce these particles by polymerization, emulsion polymerization is used most commonly today. In speciality applications, other methods of polymerization are employed, such as soap-free polymerization, dispersion polymerization, seed polymerization and swelling polymerization.
>
> However, these methods of polymerization have several defects. For example, considerable difficulty is involved in removing non-negligible impurities such as emulsifiers. Second, the size of particles that can be produced is limited. Third, the production cost is exorbitant. Fourth, these methods are too complex to be suitable for large-scale production. Particles having a narrow size distribution are in most cases produced by emulsion polymerization but the size of particles that can be produced by this method is only about 1 μm at maximum and producing larger particles is extremely difficult.
>
> Suspension polymerization is also capable of producing particles, however the only products obtained so far are nonuniform in particle size and have a broad particle size distribution. Since particle size and size distribution are closely related to the performance of polymer products in such aspects as mechanical strength, chemical resistance, color, transparency and moldability, improvements in those factors are desired.

The cited text does not discuss the Kamiyama method or material; rather it discusses only the technological background of polymer particle production. The particular size mentioned by the Examiner in the rejection is limited to emulsion polymerization. See underlined text.

The cited background text does not teach or suggest all of the features of claim 19 such as those recited in parent claim 18. Thus, the cited column 1 text alone is not sufficient to reject claim 19 for anticipation.

The Kamiyama method and claims are limited to suspension polymerization. There is no teaching or suggestion in the Kamiyama document that suspension polymerization (Kamiyama method) and emulsion polymerization (column 1 background) are interchangeable. In fact, the Kamiyama background fairly distinguishes emulsion polymerization from other polymerization methods. There has been no assertion in an Office communication that suspension polymerization (Kamiyama method) and emulsion polymerization (column 1 background) are interchangeable.

Summarized:

- The Kamiyama method is limited to only suspension polymerization and can only provide polymer particles having a size of 5-50 µm and "as small as 2 to 3 µm".
- The column 1 text particle size is limited to only emulsion polymerization. The column 1 text does not disclose all of the features of Applicants' claims 18 and 19.
- There is no teaching or suggestion in the Kamiyama document that suspension polymerization (Kamiyama method) and emulsion polymerization (column 1 background) are interchangeable.
- There has been no assertion in an Office communication that suspension polymerization (Kamiyama method) and emulsion polymerization (column 1 background) are interchangeable.

Applicant's pending claim 19 is not anticipated by the Kamiyama document and is patentable for at least this reason.

- **The cited product literature does NOT teach the polymer particle diameter (d50) recited in claim 19.**

During the March 20, 2008 telephone conference the Examiner pointed to the page 5 graph of the November 16, 2007 Office communication as disclosing a polymer particle size.

The page 5 graph is labeled "Product literature of Hielscher - Ultrasound Technology (page 2). The Hielscher - Ultrasound Technology literature attached to the November 16, 2007 Office communication explicitly teaches that the page 5 graph is restricted to "Ultrasonic Dispersing of Silica (SiO2)". See page 1 of the product literature. Page 4 of that Office communication confirms that the page 5 graph refers only to silica, stating: "As affirmed in product literature of Hielscher - Ultrasound Technology, standard silica can have particle size ranges . . ."

The polymer particle size of Applicant's pending claim 19 is not anticipated by the Hielscher - Ultrasound Technology literature and is patentable for at least this reason.

In summary, Applicants have addressed the rejection of claim 19 within the present Office Action. It is believed that claim 19 is patentable and prompt favorable action thereon is respectfully solicited. The Examiner is invited to telephone Applicants' attorney at 860 571 2501 if it is deemed that a telephone conversation will hasten prosecution of this application.

Respectfully submitted,

Roberto Pavez Aranguiz

Date: March 25, 2008

By:
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Registration No. 43,860
Attorney for Applicant

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Atty. Docket: H 3680 A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Roberto Pavez Aranguiz

Application No.:	10/685,613	Examiner:	CHEUNG, William K.
Filing Date:	10/15/2003	Group Art Unit:	1796
		Confirmation No.:	5097

For: Filler Containing Polymer Dispersion, Method for its Production and its Use

To: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir,

INTERVIEW SUMMARY RECORD

Date of interview:
March 20, 2008

Type of interview:
telephonic

Participants:
1) Examiner William K. Cheung
2) James E. Piotrowski

Exhibit shown or demonstration conducted:
no

Claims discussed:
19

Identification of prior art discussed:
U.S. Patent No. 6,140,394 and product literature of Hielscher from page 5 of the November 16, 2007 Office communication.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Piotrowski pointed out that claim 19 is directed to polymer particles having a d50 diameter of 0.03 to 0.5 µm. Mr. Piotrowski pointed out that the method disclosed in the '394 patent limits those polymer particles to larger sizes.

Examiner Cheung pointed to the graph on page 5 of the November 16, 2007 Office communication and asserted that this graph disclosed polymer particles in the size range of claim 19. Mr. Piotrowski pointed out that page 4 of the November 16, 2007 Office communication explained that the graph on page 5 was for silica particles and not for polymer particles.

Examiner Cheung suggested filing an after final response with no claim amendments directed to the claim 19 rejection.

Respectfully submitted,

Date: March 25, 2008

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